



DECISIONS, NOTICES AND ORDERS

Friday, January 5, 2018

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the Court, not the content or actual date of orders or decisions.

REHEARINGS

The Court took the following action on petitions for rehearing:

Hartzel Foster v. David Ballard, Warden, No. 16-1000 (Barbour 16-C-71)
Petition refused (5-0)

State of West Virginia v. James F., No. 16-0970 (Jefferson 96-F-73)
Petition refused (5-0)

Joan Phillips v. Wilbur Thaxton II, Charles Garrett and Cynthia Garrett, and the City of Charleston, No. 16-0935 (Kanawha 07-C-416)
Petition refused (5-0)

Tracy Banh v. David Doan, No. 16-1049 (Harrison 15-C-196)
Petition refused (5-0)

Richard Gravely v. Sharon Mullins, No. 17-0298 (Kanawha 16-C-1411)
Petition refused (5-0)

State of West Virginia v. Letcher M., No. 16-0941 (Barbour 07-F-44)
Petition refused (5-0)

Doris Young v. Gary Young, Nos. 16-0603 and 16-0955 (Putnam 14-C-129)
Petition refused (3-2) (Chief Justice Loughry and Justice Ketchum)

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MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered
in the following cases:

State of West Virginia v. Donald Sidney Bailey, No. 16-0740 (McDowell 15-F-124)
Affirmed (5-0)

Ethan Brumfield v. Patricia S. Reed, Commissioner of the WV Division of Motor Vehicles,
No. 16-0813 (Kanawha 16-AA-29)
Affirmed (5-0)

West Liberty University Board of Governors and West Liberty University v. Stewart Lane,
No. 16-0942 (Ohio 13-C-322)
Affirmed (5-0)

B.L. v. A.D., No. 17-0003 (Monongalia 05-C-429)
Affirmed (5-0)

David Robey v. Dominion Transmission, Inc., No. 17-0024 (Harrison 15-C-448-3)
Affirmed (5-0)

Sheena Mortimer v. WV Department of Health and Human Resources, No. 16-0598
(Ohio 16-C-64)
Affirmed (5-0)

Steven Roche v. Michelle Jill Wade, Personal Representative of the Estate of William A. Bradley,
No. 16-1031 (Monroe 14-C-75)
Affirmed (5-0)

State of West Virginia v. Daniel Holler, No. 16-1138 (Berkeley 15-F-47)
Affirmed (5-0)

Joseph Bruce Ragione v. Board of Education of Preston County, No. 17-0037 (Preston 16-C-144)
Affirmed (4-0) (Justice Workman disqualified)

Clinton Giles v. Kanawha County Board of Education and Pete Thaw, No. 17-0139
(Kanawha 16-C-74)
Affirmed (3-0) (Justices Davis and Workman not participating)

The Eric S. Gordon Trust, Scott Gordon, Trustee v. The WV Municipal League, No. 16-0641
(Kanawha 12-C-122)
Affirmed (3-2) (Justices Davis and Workman dissenting)

William Gillman and Boxley Aggregates of West Virginia, LLC v. Jessica Morton, No. 17-0237
(Raleigh 13-C-375)
Affirmed (5-0)

State of West Virginia v. Loren Garcia, No. 16-0889 (Randolph 13-F-71)
Affirmed (5-0)

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State of West Virginia v. Jeffrey Lynn Hovatter, No. 16-1110 (Marion 16-F-12)
Affirmed (4-1) (Justice Davis dissenting)

Jeffrey Burns v. Elisa Weber, No. 16-1141 (Pocahontas 96-D-60)
Affirmed (4-1) (Justice Davis dissenting)

Charles Cobb and James Cobb v. Jack Collins, Donna Collins, Ira Kemplin, and Jane Stacy,
No. 16-1212 (Jackson 13-C-65)
Affirmed (5-0)

Donald Smith and Douglas Smith v. Dannie Smith and Doran Smith, No. 17-0107
(Jackson 14-C-103)
Affirmed (5-0)

Michael M. v. Ralph Terry, Acting Warden, No. 17-0112 (Preston 15-C-188)
Affirmed (5-0)

In Re: Expungement of the record of T.R.W., No. 16-0887 (Upshur 16-P-26)
Affirmed (5-0)

State of West Virginia v. Richard Zimmerman, No. 16-1066 (Ohio 16-F-47)
Affirmed (5-0)

Ronnie Frazier v. General Motors, No. 17-0108 (Kanawha 15-C-1584)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument:

State of West Virginia v. Donald P. Cookman, No. 17-0276 (Hampshire 09-F-38)

Chevron U.S.A., Inc. v. John Bonar and John & Werner Law Offices, PLLC, No. 16-1213
(Marshall 16-C-153)

E.R. v. M.W., No. 17-0355 (Upshur 13-D-131)

Hitzelberger v. Mike Ross, Inc., No. 17-0325
L&D Investments, Inc. v. Mike Ross, Inc., No. 17-0432 (Harrison 13-C-528)
Consolidated

State of West Virginia v. Frank Thompson, No. 16-0775 (Boone 15-F-95)

Arthur Conkey, Jr. and Jo Conkey v. Sleepy Creek Forest Owners Association, Inc.,
No. 17-0141 (Morgan 16-C-29)

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RULE 20 ARGUMENT GRANTED

The following case will be scheduled for Rule 20 oral argument:

State ex rel. Southland Properties, LLC v. Hon. David R. Janes, Judge, et al., No. 17-0934
(Original Prohibition)

In Re: I.M.K., No. 17-0989 (Certified Question)

ORDERS

Orders of note were entered in the following cases:

State of West Virginia v. David Wasanyi, No. 17-0980 (Post-conviction Bail)
Petition refused (5-0)

Lawyer Disciplinary Board v. David L. White, No. 17-0121 (Lawyer Disciplinary)
Law license annulled (5-0)

Randall Myers v. West Virginia Consolidated Public Retirement Board, No. 17-0909
(Lewis 17-AA-1)
Appeal dismissed (5-0)

State of West Virginia v. Howard Dotson, No. 17-0621 (Boone 97-F-11)
Rule to show cause issued against Official Court Reporter Shanelle Kelley, returnable February 6, 2018.